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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,680	01/11/2001	Albert J. Van Mullem	18306/169	9549
75	90 11/20/2002			
Joseph N. Ziebert			EXAMINER	
FOLEY & LAR Firstar Center		ROSENBAUM, MARK		
777 East Wisconsin Avenue Milwaulkee, WI 53202-5367			ART UNIT	PAPER NUMBER
			3725	

DATE MAILED: 11/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Office Action Summary Examiner Mark Rosenbaum ATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Extendence of time map be available under the provisions of 3 CPR 1-18(g), in no event, horever, may a sprity be timely filed after \$8 \times in MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. 1 to Normation times the validation with the provisions of 3 CPR 1-18(g), in no event, horever, may a sprity be timely filed after \$8 \times in MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. 1 to Normation trips in seaded base, be maximum extensively period will apply and the existing of the standary minimum of timing (0) days will be considered finely. 1 to Normation trips in seaded base, be maximum extensively period will be expendent or the provision of the standary date of this communication, even if smally filed, may reduce any. Any to the provision of the standary and the standary minimum of timing will be considered finely. 3 [Status] 1 [Sesponsive to communication(s) filed on		<u>~</u>		PÍ			
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### Mark Rosenbaum ### 3725 **The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ± MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. **Elementor of time may be available under the proceions of 3 CPR 1.136(a). In no event, however, may a reply be limely flield after the correspondence is used than after (20) days, a supply within the statisticity replication of the process of the communication. It is operated to reply is specified before, the mainter (20) days, a supply within the statisticity printed will appear with interest process of the communication. It is operated to reply is specified before, the mainter grade will again \$2.00 to \$4.00 to \$2.00 to \$2.00 to \$3.00 to \$4.00 to \$	Office Action Summary		09/758,680	VAN MULLEM, ALBERT J.			
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Application/Control Number: 09/758,680

Art Unit: 3725

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-15,27,28, drawn to a process and apparatus for using a wear resistant band in a gyratory crusher, classified in class 241, subclass 30.
- II. Claims 16-26, drawn to a process and apparatus for providing a particular type of concave in a gyratory crusher, classified in class 241, subclass 207.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I as well as invention II has separate utility such as crushing material without the particulars of the other invention. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Ziebert on 11/19/02 to request an oral election to the above restriction requirement, but did not result in an election being made.

Art Unit: 3725

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Rosenbaum whose telephone number is 703-308-1788. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Ostrager can be reached on 703-308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

> Mark Rosenbaum Primary Examiner Art Unit 3725

MR November 19, 2002